# IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

## SPECIAL CIVIL APPLICATION No. 7170 of 2003

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE B.J.SHETHNA**
**HONOURABLE MR.JUSTICE M.C.PATEL**

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

**SHARMA JITENDRA MATADIN - Petitioner(s)**

**Versus**

**COMMANDING OFFICER & 4 - Respondent(s)**

==========

**Appearance :**

MR US BRAHMBHATT for Petitioner(s) : 1,
MR ASIM J PANDYA for Respondent(s) : 1 - 5.
MS MANISHA LAVKUMAR for Respondent(s) : 1 - 2.
MR JITENDRA MALKAN for Respondent(s) : 1,
MR KALPESH N SHASTRI for Respondent(s) : 1,
MR SHAKEEL A QURESHI for Respondent(s) : 3 - 5.
MR TARESH J BHATTJI for Respondent(s) : 4,
GOVERNMENT PLEADER for Respondent(s) : 5,

==========

**CORAM : HONOURABLE MR.JUSTICE B.J.SHETHNA**

**and**

**HONOURABLE MR.JUSTICE M.C.PATEL**

**Date : 16/11/2005**

**ORAL JUDGMENT (Per : HONOURABLE MR.JUSTICE B.J.SHETHNA)**

In pursuance of the interim order dated 10th August,

2005 passed by the Division Bench of this court consisting of Kshitij R. Vyas and Akshay H. Mehta, JJ., the petitioner was sent for medical check-up. He was examined by the Board of Medical Officers at Base Hospital I C.R.P.F., New Delhi and declared medically unfit for recruitment on the post of Constable in C.R.P.F. because of tremors in both hands and Tachycardia (Standing pulse rate 96/m). The Board was consisting of four persons (1) Dr. P.K. Dash, CMO, P.O. (2) Dr. H.B. Mohanty, CMO, Member-I, (3) Dr. Ugrasen Singh, CMO, Member-II and (4) Dr. B.C. Das, CMO (Psychiatrist) Co-opted Member. When the Board consisting of four experts in their own fields took the decision and found him medically unfit, then this court cannot sit in appeal over such experts' decision. Hence, there is no question of interference in this petition. Accordingly, it is dismissed. Rule discharged.

( B.J. Shethna, J. )

( M.C. Patel, J. )

hki